

**JUSTIFICATION FOR OTHER THAN FULL AND OPEN COMPETITION**  
**SOLICITATION NO. HSCG38-08-Q-101009**  
**Modification of APS-143 Radar**

Pursuant to the requirements of Section 4202 of the Clinger-Cohen Act (test program for commercial items) as implemented by Federal Acquisition Regulation (FAR) 13.500, this justification for other than full and open competition is supported by the following facts and rationale in the format described at FAR 6.303-2:

***(1) Agency and Contracting Activity. Identification of the agency and the contracting activity, and specific identification of the document as a Justification for other than full and open competition.***

The United States Coast Guard, Aircraft Repair and Supply Center (ARSC), HC-144 Division and HU-25 Product Line, Elizabeth City, North Carolina, hereby presents this Justification for Other Than Full and Open Competition (J&A) for review and approval.

***(2) Nature and/or description of the action being approved.***

This J&A seeks approval for a sole source acquisition, to obtain modification services for components of the APS-143 Radar (refer to schedule B for specific Part Numbers) manufactured by Telephonics Corporation (78711), 815 Broad Hollow Road, Farmingdale, NY 11743. The original equipment manufacturer (OEM), Telephonics is the only known source.

***(3) Description of the supplies/services.***

This requirement is to procure services to effectively modify the Signal Processor Assembly, Receiver/Transmitter and the Antenna Pedestal Assembly to provide Ready-For-Issue (RFI) components for the APS-143 Radar in support of the HU-25 and HC-144 aircrafts. The estimated cost of this requirement is \$200,000.00

***(4) Identification of Statutory Authority Permitting Other Than Full and Open Competition.***

The statutory authority permitting other than full and open competition is 10 USC 2304(c)(1) implemented by the Federal Acquisition Regulation (FAR) Subpart 6.302-1 entitled, "Only One Responsible Source and No Other Supplies or Services Will Satisfy Agency Requirements."

***(5) Demonstration That the Nature of the Acquisition Requires Use of the Authority Cited.***

The Coast Guard does not own the rights to the technical manuals, publications or data as these are proprietary to Telephonics (OEM). Using parts from other than the OEM would compromise the integrity of the aircraft and would void any existing warranties.

***(6) Description of efforts made to ensure that offers are solicited from as many potential sources as is practicable.***

In accordance with FAR 5.201, the intent to contract for the modifications performed on the components of the APS-143 Radar in support of the HC-144A and HU-25 aircraft will be advertised in the Electronic Posting System (EPS), Federal Business Opportunities (FBO) as a combined synopsis solicitation under streamlined acquisition procedures for commercial items utilizing FAR Part 12. Any responsible offers will be considered.

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***(7) Determination by the Contracting Officer that the Anticipated Cost to the Government will be Fair and Reasonable.***

It is the Contracting Officer's opinion that prices offered will be fair and reasonable based on comparisons of the commercial published price lists by the OEM, cost comparison with similar items in the commercial market place and analysis on other than cost and pricing data.

***(8) Description of the Market Research.***

Telephonics, Inc., the radar system OEM, owns the manuals, publications and data. The Coast Guard does not have any rights to technical data. The market research consisted of utilizing internet data and information from the OEM to determine that the procurement for modifications performed on the components of the APS-143 Radar is commercial in nature.

***(9) Any Other Facts Supporting the Use of Other Than Full and Open Competition.***

The Coast Guard does not own the data rights and does not anticipate purchasing these data rights. Therefore, it would be difficult to take steps to foster competition as the manufacturing performance and acceptance data are proprietary and the Coast Guard does not have adequate technical data to provide to potential offerors at this time.

***(10) A listing of the Sources, if Any, That Expressed in Writing, an Interest in the Acquisition.***

A combined synopsis/solicitation will be issued for this requirement. If responses to the combined synopsis/solicitation indicate additional sources are available, the file will be documented accordingly and the requirement competed among all eligible sources.

***(11) Statement of the Actions, if Any, the Agency May Take to Remove or Overcome Any Barriers to Competition Before Any Subsequent Acquisition for Supplies or Services Required.***

The Coast Guard does not own the data rights and does not anticipate purchasing the data rights. Therefore, it would be difficult to take steps to foster competition as the manufacturing performance and acceptance data are proprietary and the Coast Guard does not have adequate technical data to provide to potential offerors. The HC-144 Product Line will be merged with the HU25 Product Line in the near future to form a Medium Range Aircraft Product Line. This Product Line will be responsible for developing new sources for the HU25 aircraft as well as the HC-144 aircraft. The Coast Guard plans to establish a New Product Development Branch (NPD) to pursue additional sources of supply. A representative of the NPD Branch will locate alternate sources of supply and alternate acceptable products. Engineering, contracting and NPD will continuously conduct market research to ensure that companies interested in doing business with the USCG are given every opportunity to compete for our requirements.

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**(12) *Contracting Officer Certification.***

I certify that the data supporting the recommended use of other than full and open competition is accurate and complete to the best of my knowledge and belief.

\_\_\_\_\_  
**WADE JOHNSON**  
**Contracting Officer**

\_\_\_\_\_  
**DATE**

**Technical/Requirements Personnel Certification.**

I certify this requirement meets the Government's minimum need and that the supporting data, which forms a basis for this justification, is complete and accurate.

\_\_\_\_\_  
**BLAINE, BEYER,**  
**Technical Representative**

\_\_\_\_\_  
**DATE**

**APPROVAL:**

\_\_\_\_\_  
**WADE JOHNSON**  
**Contracting Officer**

\_\_\_\_\_  
**DATE**